IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3712 OF 1990

1.Karbhari Vithal Pansare
since deceased by his heirs and legal representatives

1A.Shri Dilip Karbhari Pansari,

1B.Shri Shivaji Karbhari Pansare,
Both majors and residing at
At & Post : Kolam (Khurd),
Taluka : Yevla, District Nashik,

1C.Smt.Alkabai Shrihari Kale,
aged about 30 years residing at
At & Post Malegaon, Taluka: Kopargaon,
District: Ahmednagar,

1D.Smt.Suman Anna Kokane, aged
about 25 years and residing at :
At & Post : Aadgaon, Tal.Yevla,
Dist: Nashik,

1E.Smt.Vimalabai Bhausaheb Pawar,
aged about 20 years and residing at
Tal.: Yevle, Dist.Nashik,

1F.Smt.Chhabubai Karbhari Pansare,
aged 48 years, residing at :
At & Post : Kolam Khurd,
Tal.Yevle, Dist. Nashik

2. Namdeo Vithal Pansare,

3. Smt. Jijabai Vishwanath Kathe,
Petitioners No.1 and 2 residing
at Kolam (Khurd), Taluka Yeola,
District Nashik
Petitioner No.3 residing at and
Post Savargaon, Taluka Yeola,
District Nashik ...Petitioners

V/s

1.Ananda Sadashiv Kadam
At & Post Kolam (Khurd),
Taluka Yeola, District Nashik

2.Maharashtra Revenue Tribunal at

Bombay. ...Respondents

Mr.K.S.Bhadti i/b Mr.N.S.Shastri for the petitioner.

Mr.G.R.Rege i/b Mrs.S.A.Mudbidri for the respondent No.1

CORAM : F.I. REBELLO, J.

DATED : 19TH JANUARY, 2005.

ORAL JUDGMENT

1. This is a petition filed by the tenant. It is not necessary to set out the facts once again. The contention of the petitioners is that it was mandatory on the Tahsildar to give reasons for taking the possession of the land from the tenant before the expiry of period for preferring the appeal. Inspite of that mandate, the possession has been taken from the tenant and land has been allotted to the Respondents-landlords under section 32P (g) of B.T. and A.L Act. Once the order of purchase of land has been set aside, the order under section 32P will have to be consequently set aside with directions. However, the respondents-landlords are in possession of land since the order of the Tahsildar which is dated 19-9-1986. Really speaking to hand over the possession of land to the landlord, the landlords have to satisfy the requirements under section 32P of the said Act. It seems that no enquiry has been conducted on that aspect by the Tahsildar and the Tahsildar gave the possession

of the land to the landlords. This order is inexplicable and totally without jurisdiction. Considering the facts and circumstances, the following order:

ORDER

. The respondents-landlords in writ petition No.3450 of 1989 shall continue in possession of the land as interim measure till the final disposal of proceeding under sec. 32P(g) of B.T. and A.L. Act which has been remanded to the Tahsildar.

. The Tahsildar is directed to dispose of the said proceeding within 6 months from the receipt of the records .

. The Tahsildar is further directed to take possession of the land from the landlord and hand over the same to the petitioners-tenants if the judgment is in favour of the tenants.

. Rule is made absolute accordingly. There shall be no order as to costs.

. The Registry to transfer the record of the Tahsildar

forthwith.

(F.I. REBELLO, J.)